

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

v.

TWO (2) APPLE IPHONE CELLULAR  
DEVICES BEARING SERIAL NUMBERS  
F4HZ9LB5N72K AN DX3YJ6MLKXKR.  
Defendants *in Rem*.

CIVIL No.:

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

TO THE HONORABLE COURT:

COMES NOW, the United States of America to bring this Verified Complaint for Forfeiture *In Rem* pursuant to Supplemental Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action *in rem* brought to enforce the provisions of 21 U.S.C. § 881(a)(4).

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345; over an action for forfeiture pursuant to 28 U.S.C. § 1355; and over this particular action pursuant to 21 U.S.C. § 881(a)(4).

3. Venue is proper in this district and the Court has *in rem* jurisdiction over the Defendants *in Rem* pursuant to 28 U.S.C. § 1355(b)(1)(A) because the acts and omissions giving rise to the forfeiture occurred in this district.

#### **DEFENDANTS *IN REM***

4. The Defendants *in Rem* are two (2) Apple iPhone cellular devices bearing serial numbers F4HZ9LB5N72K and DX3YJ6MLKXKR. The two (2) Apple iPhones were seized from Erick N. Toro-Alvarado onboard of the vessel leaving the south of St. Thomas and heading towards Puerto Rico.

5. The Defendants *in Rem* are within the possession, custody, or control of the United States.

#### **BASES FOR FORFEITURE**

6. The Defendants *in Rem* is also subject to forfeiture under 21 U.S.C. § 881(a)(4) because the cellular devices were used or intended for use, to transport, or in any manner facilitate the transportation, distribution, sale, receipt, possession or concealment of controlled substances under 19 U.S.C. §§ 1703 and 1595a(a) for violation of 18 U.S.C. § 545 and 21 U.S.C. §§ 952 and 853.

#### **FACTS SUPPORTING FORFEITURE**

7. This Verified Complaint fully incorporates the facts contained in the attached Unsworn Declaration of Nicole Osterman, Special Agent for the United States Department of Homeland Security Investigations (HSI).

## CLAIM FOR RELIEF

The United States of America respectfully requests that the Court issue a warrant of arrest for the Defendants *in Rem*; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that the Court enter judgment declaring the Defendants *in Rem* condemned and forfeited to the United States of America for disposition according to law; and that the Court grant the United States of America such other and further relief as the Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this      day of April 2025.

W. Stephen Muldrow  
United States Attorney

s/Madeline M. Mas Saavedra  
**Madeline M. Mas Saavedra-227411,**  
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### **VERIFIED DECLARATION**

I, Madeline M. Mas Saavedra, Assistant U.S. Attorney, for the District of Puerto Rico, declare pursuant to penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the Homeland Security Investigations (HSI) that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this      day of April 2025.

s/Madeline M. Mas Saavedra  
**Madeline M. Mas Saavedra-227411,**  
Assistant U.S. Attorney

### **VERIFICATION**

I, Nicole Osterman, depose and say that I am a Special Agent with the Homeland Security Investigations (HSI) and as such have responsibility for the within action, that I have read the contents of the foregoing Verified Complaint for Forfeiture *In Rem* and, pursuant to 28 U.S.C. § 1746, verify pursuant to penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in San Juan, Puerto Rico, this      day of April 2025.

NICOLE A  
OSTERMAN

Digitally signed by NICOLE  
A OSTERMAN  
Date: 2025.04.07 17:23:50  
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Nicole Osterman, Special Agent  
Homeland Security Investigations (HSI)